IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

WP(C).No. 31582 of 2007(I)

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AGAINST THE ORDER IN EP. 98 /2005 IN
OS.352/1999 of MUNSIF COURT, KUTHUPARAMBA

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PETITIONER:

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T.VALSALAN, S/O.KUNJAMBU,
DIVYALAYAM, EDAYANNUR P.O., KANNUR-670 595.

BY ADV. SRI.K.ANAND

RESPONDENT: PETITIONER/PLAINTIFF:

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C.V.GEETHA, W/O.DHAMODHARAN,
NAMBANATH HOUSE, ANJARAKANDY, MAMBA, KANNUR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**M.N.Krishnan, J.**

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**W.P(C).No.31582 of 2007**

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**Dated this the 25th day of October, 2007.**

**JUDGMENT**

This Writ Petition is filed to set aside the order of arrest in E.P.No.98 of 2005 in O.S.No.352 of 1999 of the Munsiff, Koothuparamba. Plaintiff has obtained a decree for realisation of an amount of Rs.20,162/- as per column 9 in the E.P. Since the judgment debtor did not enter appearance and contest the case properly, I am informed that arrest has been ordered. Meanwhile, learned counsel for the writ petitioner has pointed out to me the order passed by the Labour Court whereby the decree holder herein is bound to pay large amount to the judgment debtor as salary. Learned counsel for the writ petitioner submits that an opportunity may be given to the petitioner to put forth his contentions before depriving of his liberty.

2. Taking into consideration the background of the litigation and other attending circumstances, I am inclined to grant one

chance to the judgment debtor to appear before the court to put forth his contentions and the court to consider and dispose it of in accordance with law on merits. Therefore, the court below is directed not to execute the warrant of arrest. Writ petitioner is directed to file his counter statement and after hearing both sides, dispose of the matter in accordance with law. Till such a final decision is taken, the judgment debtor shall not be arrested and sent to civil prison.

Writ Petition is disposed of accordingly.

M.N.Krishnan,
Judge.

ess 25/10